

Ordinance 1294

Introduced by All Commissioners

AN ORDINANCE AMENDING WARRENTON MUNICIPAL CODE CHAPTER 16 TO ESTABLISH REGULATIONS REGARDING SMOKE SHOPS WITHIN THE CITY OF WARRENTON

WHEREAS, a Notice of the Proposed Change was submitted electronically to the Oregon Department of Land Conservation and Development on June 6, 2025; and

WHEREAS, pursuant to Warrenton Municipal Code 16.208.060 and ORS 227.168, notice was provided for the public hearings held before the Planning Commission on July 3, 2025, and the City Commission on July 8, 2025; and

WHEREAS, on June 19, 2025, pursuant to Warrenton Municipal Code 16.208.060, notice for the public hearing held before the Planning Commission on July 3, 2025 was published in The Astorian; and

WHEREAS, the Planning Commission held a public hearing on July 3, 2025, and, after hearing testimony from interested parties, recommended the City Council adopt the proposed changes; and

WHEREAS, the Warrenton City Commission held a public hearing on July 8, 2025, at which it received the recommendation of the Warrenton Planning Commission and heard testimony from the public; and

WHEREAS, the Warrenton City Commission finds that it is in the public interest and welfare to protect and enhance the City's public health, safety, and welfare, by subjecting smoke shops within the City of Warrenton to reasonable time, manner, and place regulations; and

WHEREAS, the current City code does not provide such regulations, and as such, the smoke shops in the City have, to this point, been entirely unregulated.

NOW, THEREFORE, The City of Warrenton ordains as follows:

- Section 1. Chapter 16 of the WMC is amended as shown in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by this reference.
- Section 2. The City Manager is authorized to correct any scrivener's errors found in "Exhibit A" during codification.
- Section 3. If any section, subsection, clause, or provision of this Ordinance is determined to be invalid or unenforceable, such determination shall not affect the validity of the remaining portions of this ordinance, which shall continue in full force and effect.
- Section 4. All sections of the WMC that are unamended by this Ordinance shall continue in full force and effect.

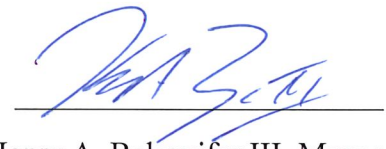
Section 5. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Warrenton. An emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect on July 11, 2025.

First Reading: July 8, 2025

Second Reading: July 8, 2025

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 11th day of July, 2025.

APPROVED



Henry A. Balensifer III, Mayor

Attest:



Dawne Shaw, CMC, City Recorder

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Exhibit A

~~Struck language~~ indicates deletions from the text.

Bolded and underlined language indicates additions to the text.

Section 1. Section 16.12.010 of the WMC is amended to add the following definition:

Smoke shop: A retail store that is engaged in the sale of nicotine products, including paraphernalia for the consumption of nicotine, where either (1) at least 40 percent of gross revenues result from such sales, or (2) at least 40 percent of the merchandise display area is occupied by nicotine products. Products sold in vending machines as described in ORS 167.775 are excluded from this definition. Nicotine products include cigarettes, cigars, e-cigarettes, pipes, hookahs, bongs, tobacco, vape cartridges containing nicotine, vape pens, chewing tobacco, nicotine pouches, tobacco products as defined in ORS 431A.175, inhalant delivery systems as defined in ORS 431A.175, and other forms of tobacco, nicotine, or devices for the consumption of tobacco or nicotine.

Section 2. Section 16.40.020 of the WMC is amended as follows:

16.40.020 Permitted Uses

The following uses and their accessory uses are permitted in the C-1 zone if the uses conform to the standards in Sections 16.40.040 through 16.40.060, Chapters 16.124, 16.212 and other applicable Development Code standards, and other City laws:

- A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin, SE Ensign Drive, SE Discovery Lane, and SE Dolphin Avenues and shall comply with the above noted sections as well as Chapter 16.132:
 - 1. Personal and business service establishments such as barber or beauty shop, clothes cleaning, funeral home and pet grooming.
 - 2. Professional, financial, business and medical offices.
 - 3. Retail business establishments.
 - 4. Amusement enterprises such as theater or bowling alley.
 - 5. Technical, professional, vocational and business schools.
 - 6. Membership organizations such as unions, lodge hall, club or fraternal buildings.

7. Eating and drinking establishments, including food carts and food pods.
8. Hotel, motel or other tourist accommodation, including bed and breakfast.
9. Automobile sales, and/or service and parts establishment.
10. Boat and marine equipment sales, service or repair facilities.
11. Building material sales yard.
12. Government buildings and uses.
13. Transportation facilities and improvements subject to the standards of Section 16.20.040.
14. Dredge material disposal (DMD) subject to Section 16.40.050 (site 27S located within this area zoned C-1) and Chapter 16.104.
15. Community garden(s) (see definitions).
16. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.
17. Congregate care or assisted living facility.
18. Public utilities, including pipelines, cables, and utility crossings but not structures.
19. Commercial uses with a residential use(s) [apartment(s)] located either above or behind the commercial use so that the commercial use is the predominant use on the property.
20. Homestay lodging subject to the standards in Chapter 8.24.
21. Vacation rental dwelling subject to the safety regulations in Section 8.24.030.
22. Similar uses as those stated above.

B. Only the following uses and their accessory uses are permitted along Main Avenue between Whiskey Road and NE 1st Street and shall comply with the above noted sections as well as Chapter 16.132:

- 1. Personal and business service establishments such as barber or beauty shop, clothes cleaning, funeral home, or pet grooming.**
- 2. Professional, financial, business and medical offices.**
- 3. Retail business establishments, except for smoke shops.**
- 4. Amusement enterprises such as theater or bowling alley.**
- 5. Technical, professional, vocational and business schools.**
- 6. Membership organizations such as unions, lodge hall, club or fraternal buildings.**

7. Eating and drinking establishments, including food carts and food pods.
8. Hotel, motel or other tourist accommodation, including bed and breakfast.
9. Automobile sales, service or repair establishment.
10. Boat and marine equipment sales, service or repair facilities.
11. Building material sales yard.
12. Residential home.
13. Residential (care) facility.
14. Home occupations (must comply with paragraph 19 of this subsection).
15. Child care center.
16. Government buildings and uses.
17. Public utilities, including structures, pipelines, cables, and utility crossings.
18. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.
19. Congregate care or assisted living facility.
20. Single-family residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged.
21. Transportation facilities and improvements subject to the standards of Section 16.20.040.
22. Community garden(s) (see definitions).
23. Commercial uses with second floor residential use(s) [apartment(s)] or on the same lot with existing single-family detached built prior to April 2, 1997.
24. Homestay lodging subject to the standards in Chapter 8.24.
25. Vacation rental dwelling subject to the safety regulations in Section 8.24.030.
26. Similar uses as those stated in this section.

B.C. For all other C-1 zoned areas within the City limits of Warrenton, the following uses and their accessory uses are permitted and shall comply with the above noted sections:

1. Personal and business service establishments such as barber or beauty shop, clothes cleaning, funeral home, or pet grooming.
2. Professional, financial, business and medical offices.
3. Retail business establishments.

4. Amusement enterprises such as theater or bowling alley.
5. Technical, professional, vocational and business schools.
6. Membership organizations such as unions, lodge hall, club or fraternal buildings.
7. Eating and drinking establishments, including food carts and food pods.
8. Hotel, motel or other tourist accommodation, including bed and breakfast.
9. Automobile sales, service or repair establishment.
10. Boat and marine equipment sales, service or repair facilities.
11. Building material sales yard.
12. Residential home.
13. Residential (care) facility.
14. Home occupations (must comply with paragraph 19 of this subsection).
15. Child care center.
16. Government buildings and uses.
17. Public utilities, including structures, pipelines, cables, and utility crossings.
18. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.
19. Congregate care or assisted living facility.
20. Single-family residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged.
21. Transportation facilities and improvements subject to the standards of Section 16.20.040.
22. Community garden(s) (see definitions).
23. Commercial uses with second floor residential use(s) [apartment(s)] or on the same lot with existing single-family detached built prior to April 2, 1997.
24. Homestay lodging subject to the standards in Chapter 8.24.
25. Vacation rental dwelling subject to the safety regulations in Section 8.24.030.
26. Similar uses as those stated in this section.